

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DENNIS WILSON,)
)
Defendant.)

Case Number: CR 05 1849 JH

**MOTION TO DETERMINE WHETHER AN ALLEGED CONFLICT OF INTEREST
EXISTS WITH ROBERT J. GORENCE'S REPRESENTATION OF DENNIS WILSON**

The Defendant, Dennis Wilson, by his attorney, Robert J. Gorence, of Gorence & Oliveros, P.C., requests that this Court conduct a hearing to determine whether an alleged conflict of interest exists on the part of undersigned counsel, following allegations by Dana Jarvis' present attorney, as to whether an attorney client relationship exists between undersigned counsel and Dana Jarvis. As grounds for this motion, Dennis Wilson states as follows:

1. Mr. Wilson concurs with the factual recitation of the procedural history of this case that was painstakingly set forth in United States' Response to Defendant Dana Jarvis' "Motion to Dismiss for Irreparable Structural Error & Additional Fifth & Sixth Amendment Violations" (Doc. 1095).

2. On October 9, 2007 undersigned counsel received an email letter from Jody Post-Neal which stated that Mr. Jarvis was asserting his privilege of attorney-client confidentiality regarding [his] handling of matters... (Exhibit A).

3. On October 11, 2007 undersigned counsel responded to Mr. Jarvis' assertion by email and outlined his position that an attorney-client relationship never existed between Mr. Jarvis and himself. (Exhibit B).

4. On October 11, 2007, Jody Neal-Post responded by email with her position.
(Exhibit C).

5. Undersigned counsel is prepared to testify at an evidentiary hearing that discussions with Mr. Jarvis centered exclusively on whether Mr. Jarvis had the financial resources to hire Mr. Kennedy and himself as Mr. Jarvis at the time desired. Undersigned counsel never discussed the indictment, potential defenses, nor investigative strategy with Mr. Jarvis. Undersigned counsel informed Mr. Jarvis at all times that he was not his lawyer and that his lawyer was Judy Rosenstein.

6. Because of the nature of the allegations, undersigned counsel believes that he has an ethical responsibility to raise this matter with the Court to get a definitive ruling both for the benefit of Mr. Jarvis and Mr. Wilson.

Respectfully submitted,

Electronically filed: 10/26/07
Robert J. Gorence
Gorence & Oliveros, P.C.
Attorneys for Defendant Dennis Wilson
20112th Street NW
Albuquerque, NM 87102
(505) 244-0214 Fax (505) 244-0888

I HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed by CM/ECF to all parties of record on this 26th day of October, 2007.

Electronically filed: 10/26/07
Robert J. Gorence